

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MAR 08 2010

CHRISTOPHER DIAZ,

Plaintiff,

vs

1:09-CV-1385

LAWRENCE K. BAERMAN, Clerk
UTICA

WHITNEY M. YOUNG, JR. HEALTH SERVICES,

Defendant.

APPEARANCES:

OF COUNSEL:

DeLORENZO LAW FIRM, LLP
Attorneys for Plaintiff
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Attorneys for Defendant
121 State Street
Albany, New York 12207-1693

JOSEPH M. DOUGHERTY, ESQ.
DAVID T. LUNTZ, ESQ.

DAVID N. HURD
United States District Judge

ORDER

Defendant has moved to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6) (Document No. 6). Plaintiff does not oppose. (Docket No. 17).

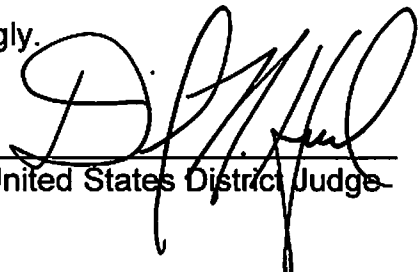
Therefore, it is

ORDERED, that the complaint is DISMISSED with prejudice.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: March 5, 2010
Utica, New York.


United States District Judge